

I am writing the FCC to comment on both the Notice of Proposed Rule Making in CC Docket No. 02-33 (NPRM 02-33), and Further Notice of Proposed Rulemaking in CC Docket No. 96-45 (FNPRM 96-45).

The first would extend charges under the Universal Service Fee (USF) to wireless ISPs, including Wi-Fi operators in the unlicensed 2.4 GHz band. The second would change the way the USF is calculated, switching from a charge based on users to one based on bandwidth.

The USF was initiated to provide a subsidy back to the incumbent local exchange carriers to help offset the expense incurred in delivering telecommunications services to a particularly community. The charge was paid on a per user basis by users of these then newly available services. In this case each user actually had to have the physical facilities to to each of their premises or business.

At the time the USF made sense to incent such incumbent carriers to provide much needed services.

In the proceedings being contemplated is Docket No. 02.33 (NPRM 02-33) the ILEC lobbyists are attempting to create fee and documentation based roadblocks to new wireless carriers that are filling a much needed void in the community with wireless broadband access services.

The wireless competitive carriers typically are not using any of the ILEC's facilities. These carriers lease tower access from tower site management companies just like cellular providers. They typically use wireless point-to-point, high-speed radios to interconnect the local network of cellular towers back to an aggregation point. At this aggregation point the wireless provider gains access to the wired network, typically via means of fiber from a variety of telecommunications providers facilities, and provisions access to the Internet through any one of a number of Internet backbone connectivity.

So typically no ILEC facilities are being use and therefore these wireless carriers shouldn't be reimbursing these ILECs for their use.

On the second point regarding these proposed USF fees being based on bandwidth utilization instead of a on a per user basis, it makes even less sense given the ILEC facilities aren't being used.

Implementation of such rules would fly in the face of the original intent of the formation of the USF fee structure.

Isn't the FCC trying to foster broadband access?

Sincerely,

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